



3761
Atty. Dkt. No. 050251-0131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Looper et al.

Title: SURGICAL DEVICE WITH
MALLEABLE SHAFT

Appl. No.: 09/785,374

Filing Date: 16, February 2001

Examiner: Mital B. Patel

Art Unit: 3761



AMENDMENT TRANSMITTAL

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

RECEIVED
AUG 04 2003
TECHNOLOGY CENTER R3700

Sir:

Transmitted herewith is an amendment in the above-identified application.

- [] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a Small Entity statement previously submitted.
- [] Small Entity statement is enclosed.
- [X] The fee required for additional claims is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	19	20	0	x \$18.00	\$0.00
Independents:	2	3	0	x \$84.00	\$0.00
First presentation of any Multiple Dependent Claims:				+ \$280.00	\$0.00
CLAIMS FEE TOTAL:					\$0.00

- [] Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$410.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$930.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
	CLAIMS AND EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$450.00

☐ Please charge Deposit Account No. 06-1450 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$450.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

The PTO did not receive the following
listed item(s) _____

The PTO did not receive the following
listed item(s) A check of \$450.00

Respectfully submitted,

Date 28 July 2003

FOLEY & LARDNER

Customer Number: 27433

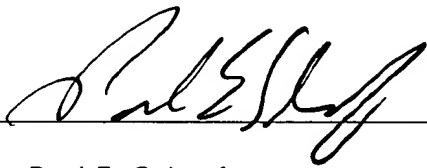


27433

PATENT TRADEMARK OFFICE

Telephone: (312) 832-4596

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By 

Paul E. Schaafsma

Attorney for Applicant

Registration No. 32,664



Attorney Docket No. 050251/0131

#17/F
DR
8/6/3

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<p align="center">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service's with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Non Fee Amendment - Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on the date below.</p> <p align="center"><u>Christine Koziol</u> (Printed Name)</p> <p align="center"><u>Christine Koziol</u> (Signature)</p> <p align="center"><u>July 28, 2003</u> (Date)</p>
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AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

Responsive to the Office Action mailed 23 June 2003, please amend the application as follows:

In the Claims:

Please amend the following claims:

- F1
1. (Five Times Amended) A surgical device comprising:

a tissue engaging means and a handle assembly;

an actuating means connecting the handle assembly and the tissue engaging means for actuating the tissue engaging means;

a shaft member comprising a first tube made of a malleable material and having a proximal end, a distal end and a longitudinal axis, the proximal end of the first tube adapted to be coupled to the handle assembly, the distal end of the first tube adapted to be coupled to the tissue engaging means, the actuating means adapted to extend axially through the first tube, the first tube configured to be kink resistant and to bend about some bending radius in response to a bending moment applied to the first tube.

- F2
13. (Twice Amended) A surgical device comprising: